

5/21/22

Eddie Bantie 1022319

BC-37

9601 Spur 591

Amarillo, Texas 79107-9606

United States Courts
Southern District of Texas
FILED

MAY 26 2022

Nathan Ochsner, Clerk of Court

Dear Judge Ellison:

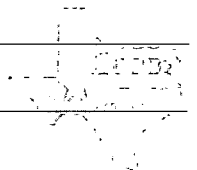
The director of Texas Department of Criminal Justice is in contempt of your order in Cole v. Collier, 4:14-cv-01698.

Inmates on Bill Clements in Amarillo, Texas are housed in the Extended Cell block, that once was segregation and G-5 custody are kept in that building all year round. They are being denied privileges and rights of Tex. Gov't Code Sec. 499.102 (1), (2)(B), (11), and (12). We are also being denied medical diets by Major Martinez because he claims the building is a segregation building. We are not held here for segregation reasons, due process requires, notice, opportunity to be heard, at a hearing before being subjected to segregation.

~~Amatti~~ Amarillo, Texas is one of the coldest city in Texas during the winter, so there's no reason housing us in that building all year around, and denying us of rights.

Sincerely,

E. J. Bantie





Texas Department of Criminal Justice

STEP 1

OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2022012328
 Date Received: OCT 01 2021
 Date Due: 11-10-21
 Grievance Code: 20011598
 Investigator ID #: 32163
 Extension Date: NOV 05 2021
 Date Retd to Offender: _____

Offender Name: Eddie Bartie TDCJ # 1022319Unit: B.C.E.C.B. Housing Assignment: ASD1-07Unit where incident occurred: Extended cell-block air-condition housing for G-4 custody.

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Bill Clements Administration When? OngoingWhat was their response? NoneWhat action was taken? contempt of memorandum and order in case 4:14-cv-01698

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

According to Honorable Judge Keith P. Ellison's memorandum and order in: Cole v. Collier, 4:14-cv-01698 - Housing Assignment - TDCJ shall re-locate the plaintiff to an air-conditioned housing assignment for each summer for the duration of his TDCJ incarceration.

Summer ended September 22, 2021, however, you still have me in extended cell-block housing because you converted it to air-condition housing for G-4 custody offender.

According to the memorandum and order you are in ~~cont~~ contempt of that order. While you housed me back here you refused to enforce Tex. Gov't Code Sec. 494.001 and manage this unit based on constitutional and statutory standards. The air-condition housing is a constitutional standard that you trumped other constitutional standards and statutory standards in this building. Section 493.006 (b) requires you to enforce all the laws and department's regulations. Section 499.102 requires you to have a dayroom, A.D. 03.40 requires you to allow G-4 custody 4 hours per day. Section 499.102 requires proper housing. Section 495.027 and A.D. 03.32 requires access to telephones from 7:00 AM and 4:00 PM. A.D. 05.25 requires medical diets. Section 499.102 and A.D. 03.40 requires access to the law library, library,

religious services and recreation. On a wing in EUB
none of the laws and department's regulations are enforced.
We are not to be here all year round, with our rights
being violated. Your Kitchen Captain said he can't feed
diet in this building as it's ordered by the licensed
dietitian. Law Library has refused my many requests.
I know these are specious plays because the Supreme Court's
Justice Sotomayor wrote - expertise of prison administrators
does not extend so far that prison officials may declare
a compelling government interest by fiat.

Action Requested to resolve your Complaint.

to be housed where 6-4 custody can go to law library, be fed diet meals
as ordered, attend religious service. Summer is over. Use telephone daily

Offender Signature: E.J. Blotter

Date: 9/27/21

Grievance Response:

Your complaint has been investigated and findings reviewed. Records show you have a heat sensitivity
heat score. You are housed in compliance. No further action warranted.

Signature Authority:

[Signature]

Date: NOV 05 2021

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response.
State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Printed Name/Signature: _____

Application of the screening criteria for this grievance is not expected to adversely
Affect the offender's health.

Medical Signature Authority: _____

OFFICE USE ONLY	
Initial Submission	UGI Initials: _____
Grievance #:	_____
Screening Criteria Used:	_____
Date Recd from Offender:	_____
Date Returned to Offender:	_____
2 nd Submission	UGI Initials: _____
Grievance #:	_____
Screening Criteria Used:	_____
Date Recd from Offender:	_____
Date Returned to Offender:	_____
3 rd Submission	UGI Initials: _____
Grievance #:	_____
Screening Criteria Used:	_____
Date Recd from Offender:	_____
Date Returned to Offender:	_____

MAR 23 2022



Texas Department of Criminal Justice
STEP 2 HS-J-118 **OFFENDER**
GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2022012328
 UGI Recd Date: NOV 10 2021
 HQ Recd Date: DEC 06 2021
 Date Due: 12.20.21
 Grievance Code: 200/598
 Investigator ID#: 10742
 Extension Date: JAN 29 2022

Offender Name: Eddie Bartie TDCJ # 1022319
 Unit: B.C. Housing Assignment: HS-D-107
 Unit where incident occurred: High Security B.C.

You must attach the completed Step 1 Grievance form signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 grievance that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

Your response is not based on an investigation, as a matter of fact, your words contradicts your idea. Your idea that I am housed in High Security in compliance, because I have a heat sensitivity heat score when the Court order 4:14-cv-01698 sets a target number at 88°F. We are forty-eight days into autumn and forty-two days from winter in one of the coldest regions in Texas.

Judge Ellison's order clearly states, - "TDCJ shall re-locate the plaintiff to an air-conditioned housing assignment for each summer for the duration of his TDCJ incarceration." Texas Gov't Code Sec. 312.002 (b) states that words shall be given their ordinary meaning. According to the American Heritage Dictionary, re-locate is a verb meaning to be moved to a new location or place. Judge Ellison didn't mean to keep us in an air conditioned housing for the Spring, Autumn, and Winter, he asserted during the summer months.

The peripheral circumstances of being in High Security and a G-4 custody denies one from: DFH trays, attendance to Law Library and Academic Library, few hours of out-of-cell activities as required by A.D. 23.90 and Tex. Gov't Code Sec 499.102 (a), denial of religious

service as required by V.A.T. Const. Art. I, Sec. 6, RLUIPA
 42 U.S.C. sec. 2000c-1(a), and Texas Religious Freedom Resto-
 ration Act (TRFRA) and daily telephone use as required by
 Tex. Gov't Code Sec. 495.027 and A.D.-03.32.

Your words evinced the depth of your investigation

Offender Signature: E. J. Bartee

Date: 11/9/21

Grievance Response:

Your Step 2 Grievance has been investigated by this office. You were appropriately advised at the Step 1 level. Your heat sensitivity score is comprised of many different factors that is calculated using a computer algorithm. If you feel your restrictions are wrong, you can submit a request to Health Services to be re-evaluated. No further action is warranted at this time.

Signature Authority:

J. Back

J. Back

Date:

FEB 18 2022

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.*
- ☐ 3. Originals not submitted.*
- ☐ 4. Inappropriate/Excessive attachments.*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.*

CGO Staff Signature: _____

OFFICE USE ONLY

Initial Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

E.J. Bartie 1022319
BC-37

9601 spur 591
Amarillo, Texas 79107-9606

AMARILLO TX 791

23 MAY 2022 PM 1:1

Judge Keith P. Ellison
Bob Casey U.S. Courthouse
515 Rusk Street Rm 3716
Houston, Texas
77002

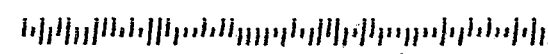
United States Co
Southern District of
FILED

MAY 26 2022

Nathan Ochsner, Clerk

case: 4:14-cv-01698

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PRIVILEGED OFFENDER MAIL
NOT INSPECTED BY TEXAS
DEPARTMENT OF CRIMINAL
JUSTICE - CORRECTIONAL
INSTITUTIONS DIVISION